

ANNUAL 47 C.F.R. §64.2009(E) CPNI CERTIFICATION FOR 2010

Date Filed: February 22, 2010

Name of Company Covered by this Certification: inContact, Inc.

499 Filer ID: 818114

Name of Signatory: Paul Jarman

Title of Signatory: CEO

I, Paul Jarman, certify that I am an officer of the company named above and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See* 47 C.F.R. §64.2001 *et seq.*

Attached to this certification is an accompanying statement explaining how the company's procedures ensured that the company complies with the requirements set forth in section 64.2001 *et seq.*, of the Commission's rules.

The company has not taken any actions (proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission) against data brokers in the past year. The company has no information to report with respect to the processes pretexters are using to attempt to access CPNI.

The company has not received any customer complaints in the past year concerning the unauthorized use of CPNI.

Signed:   
Paul Jarman

STATEMENT REGARDING inContact, INC.  
CUSTOMER PROPRIETARY NETWORK INFORMATION (CPNI)  
OPERATING PROCEDURES

March 1, 2009

inContact, Inc. ("inContact" or "Company") provides this statement pursuant to 47 C.F.R. § 64.2009(e) to explain how inContact's operating procedures ensured compliance with the Federal Communications Commission's ("Commission") CPNI rules during 2007.

inContact uses CPNI, on occasion, to lawfully market services to its customers. inContact notifies its customers of their right to restrict use of, disclosure, and access to their CPNI consistent with the Commission's regulations, through opt-out notifications. inContact maintains records establishing that notice was provided and whether or not the customer's approval was obtained. inContact maintains a record of all sales and marketing campaigns that use CPNI.

Prior to marketing to existing customers, inContact filters accounts to exclude customers opting-out of marketing activity. Marketing campaigns to educate customers on events related to their existing services or to make them aware of new services are done under the supervision of senior staff who specify the customer lists to be used and how the customers on the list are to be approached. All marketing and sales contact campaigns are measured and tracked and the records are maintained within inContact for a minimum of one year.

Consistent with the Commission's rules, inContact's policies also permit it to use, disclose, or permit access to CPNI without customer approval for the purpose of:

- Providing or marketing service offerings among the categories of service (i.e., interconnected VoIP) to which the customer already subscribes without customer approval;
- provisioning CPE and information service(s);
- marketing services formerly known as adjunct-to-basic services, such as, but not limited to, speed dialing, computer-provided directory assistance, call monitoring, call tracing, call blocking, call return, repeat dialing, call tracking, call waiting, caller I.D., and call forwarding;
- protecting the rights or property of the carrier, or to protect users of those services and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, such services; and
- as otherwise permitted in Section 222 of the Communications Act of 1934, as amended.

It is the policy of inContact to train its personnel as to the circumstances under which CPNI may, and may not, be used or disclosed.

inContact has established a mandatory supervisory review process regarding compliance with CPNI rules for outbound marketing. Sales personnel must obtain supervisory approval of any proposed outbound marketing request for customer approval.

In compliance with Section 64.2009(e), inContact prepares a “compliance certificate” signed by an officer on an annual basis stating that the officer has personal knowledge that inContact has established operating procedures that are adequate to ensure compliance with 47 C.F.R. § 64.2009(e). The certificate is to be accompanied by this statement and will be filed in EB Docket No. 06-36 annually on March 1, for data pertaining to the previous calendar year. This filing will include an explanation of any actions taken against data brokers and a summary of all customer complaints received in the past year concerning the unauthorized release of CPNI.

It is inContact’s policy to provide written notice to the FCC within five business days of any instance where the opt-out mechanisms do not work properly, such that a consumer’s inability to opt-out is more than an anomaly.

▪ **Record Retention for Marketing Campaigns**

inContact maintains records of all sales and marketing campaigns that use CPNI, including: (i) a description of each campaign, (ii) the specific CPNI that was used in the campaign, and (iii) what products and services were offered as a part of the campaign. inContact maintains such records for at least one year.

▪ **Safeguarding CPNI**

inContact takes the privacy and security of CPNI seriously. inContact’s internal policies and procedures are designed to ensure compliance with the Commission’s CPNI rules.

▪ **Privacy and Security**

inContact has implemented controls to ensure compliance with the FCC’s CPNI rules. For example, inContact has business team managers whose responsibilities focus on, among other things, CPNI protection and compliance.

inContact’s policies ensure that any CPNI released to sales agents will be specifically protected from disclosure through confidentiality provisions. All inContact agents will be required to protect CPNI in their possession from unauthorized disclosure and must advise their employees, sub-agents, and similar individuals of their obligation to protect CPNI.

▪ **Employee Training Program**

inContact provides training to educate and train affected personnel regarding the confidentiality of customer information, including authorized and unauthorized uses of CPNI. As part of their training, affected employees are provided with a “CPNI Compliance Manual” which explains CPNI

and FCC rules regarding the proper use and safeguarding of CPNI. Affected employees must acknowledge that they have read and understand the training document.

- **Employee Discipline**

inContact has a disciplinary process in place to address noncompliance with Company policies, including policies concerning employee use of, access to, and disclosure of CPNI. An employee found to have violated inContact's policies, including policies relating to use of, access to, and disclosure of CPNI, is subject to disciplinary action.